

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

IN RE:

**ATRIUM MEDICAL CORP. C-QUR MESH
PRODUCTS LIABILITY LITIGATION**

)
) **MDL NO. 2753**
)
) **MDL Docket No.**
) **1:16-md-02753-LM**
) **ALL CASES**
)

**DEFENDANT GETINGE AB'S MOTION TO DISMISS FOR LACK OF PERSONAL
JURISDICTION OR, IN THE ALTERNATIVE, PARTIAL MOTION TO DISMISS
FRAUD-BASED COUNTS IN THE LONG FORM COMPLAINT**

Defendant, Getinge AB ("Getinge"), hereby moves to dismiss Plaintiffs' claims contained in the Master Long Form Complaint and Jury Demand ("Master Complaint") for lack of personal jurisdiction pursuant to Rule 12(b)(2), Fed. R. Civ. P. Alternatively, Getinge moves pursuant to Rules 9(b) and 12(b)(6), Fed. R. Civ. P., to dismiss Plaintiffs' fraud-based claims contained in the Master Complaint (counts VIII (Fraudulent Concealment), IX (Constructive Fraud), X (Discovery Rule, Tolling, and Fraudulent Concealment), XI (Negligent Misrepresentation), and XIII (Violation of State Consumer Protection Statutes) (together, the "Fraud-Based Claims").

In support of this Motion, Getinge submits the attached Memorandum of Law in Support of Its Motion to Dismiss for Lack of Personal Jurisdiction. Additionally, Getinge hereby adopts and incorporates "Defendants' Memorandum in Support of Their Motion to Dismiss Fraud-Based Counts in the Long Form Complaint" filed contemporaneously by Defendants Atrium Medical Corporation and Maquet Cardiovascular US Sales, LLC, as if the arguments and relief requested therein are fully stated herein.

WHEREFORE, Defendant, Getinge AB, for the reasons outlined in its attached Memorandum of Law, respectfully requests this Court to dismiss Plaintiffs' claims against it for lack of personal jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(2). Alternatively,

Getinge respectfully requests this Court dismiss Plaintiffs' Fraud-Based Claims for failure to state a cause of action pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6), and for whatever other relief this Court deem just and proper.

Dated: June 6, 2017

Respectfully submitted,

GETINGE AB

/s/ Hugh J. Turner Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of June, 2017, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF participant:

/s/Hugh J. Turner Jr.

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